THE EXAMINER.

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THE POLITICAL EXAMINER.

Party is the madness of many for the gain of a few. SWIFT.

No. 159.

REMARKS ON THE CASE OF CAPTAIN FOSKETT, AS DETAILED IN A LATE PAMPHLET ENTITLED "THE RIGHTS OF THE ARMY VINDICATED."

[CONCLUDED FROM LAST WEEK.]

If any one thing is clearer than another throughout this case, it is, that Sir DAVID DUNDAS violated the first duties of his office in refusing to lay a statement of it before the KING. The reader has seen, by the quotation from the 12th Section of the Articles of War, that it is the business of a Commander-in-Chief to submit, directly and unreservedly, to his MAJESTY the statement of any officer who shall *think* himself aggrieved. The clause says nothing of actual wrong,—of manifest injury,—or of the Commander-in-Chief's clearness of eyesight on the subject; it directs him to report, not what *he* thinks of the matter, but what the complaining *officer* thinks; and leaves to his MAJESTY to decide whether the said officer thinks justly or unjustly on the occasion. The conclusion therefore is self-evident;—a Commander-in-Chief, who refuses to refer such decision to his MAJESTY, and undertakes to settle it by his own judgment and his own word of mouth, violates the duty he owes both to the Army in general and to the KING himself. But, it may be asked, what could induce Sir DAVID to act in this manner? It is not to be imagined that he had any personal ill-will to Capt. FOSKETT;—he cannot be accused of any vehement ambition, or impatience of his superiors;—he cannot be supposed to have had any intention of displeasing the KING or of encroaching upon the prerogatives of his MAJESTY's high office. Sir DAVID's motives, therefore, whatever they were, must have been curious, and they must also have been strong; and yet it is a great pity he should have had any at all; for he entered upon his situation under very peculiar circumstances, and the least appearance of injustice on his part, in a matter between a Prince and a private gentleman, could not fail of creating the most obnoxious suspicions. Sir DAVID therefore has to select from three motives, the only three that occur to the public mind on this occasion, the one most to his advantage; and to let us know,—should he ever take it into his head to say any thing upon the subject, which had the honour of dictating his refusal to Capt. FOSKETT,—an idle neglect of the duties of his office,—a corrupt partiality towards the Duke of CUMBERLAND as a member of the Royal Family,—or *an apprehension of disturbing his Majesty by reporting to him the ill conduct of one of his sons.* The first we cannot believe, in justice; the second we will not believe, in charity; the third seems the most probable; and indeed will appear decisive to numbers of people, after what has been publicly disclosed respecting the *habitual* infirmities of the KING. It is true, the obstruction of Capt. FOSKETT's statement took place, by the Commander in Chief, in July 1809; but who shall say, after what has been disclosed by the KING's Physicians, that his MAJESTY was not, at that moment, under the irritability of those "hurries" of which we hear so much? Who shall say, that Sir DAVID DUNDAS was not aware of such a circumstance, or at least of those particular tendencies, which, we are told, are so easily excited in the Royal mind? And who shall hesitate to infer from these tendencies, as a natural and most probable deduction, that the Commander in Chief was fearful of disturbing the Royal Mind by giving a report so likely, on all accounts, to agitate it? If this deduction is not well-grounded, the Commander-in-Chief stands convicted of a wilful neglect of his duty:—if it is, we see to what an extent the effects of the Royal infirmities are carried through all the departments of Government, and can easily appreciate the feelings of those who will find it difficult to put *any* confidence in his MAJESTY's future recovery. Such are the dilemmas into which the Government brings itself by keeping an unnatural and unconstitutional secrecy on subjects that concern our vital interests.

It is impossible to rise from the perusal of Captain FOSKETT's case, without being deeply impressed with its additional proof of the great and dangerous disregard of good fame which the Royal Princes seem to have lived only to exhibit. Mean and unjustifiable as the behaviour of the Duke of CUMBERLAND has been towards this gentleman, who possesses the good word of every body else under whom he has served, and who has demanded a judicial inquiry into his conduct "upon no fewer than *sixteen* different occasions,"—his Royal Highness seems to have escaped similar exposure from others, only because they have thought it useless or impolitic to write similar pamphlets. Setting aside the particular case of Capt. FOSKETT, what conclusions must the public form of the Duke's general conduct as a Commanding Officer, when they hear that his Officers are continually leaving him; that the gentlemen immediately under him in command, in spite of their attachment to the regiment and their high character in the service, have not been able to endure their situation;—that even his favourites, unless they have feelings of matchless pliability, cannot long hold out against the bendings and twistings of his capricious hand; that in the space of his nine years command, the regiment has been quitted by no fewer than *Seventy* Officers,

many of whom have since distinguished themselves; and finally, that "of all those gallant, able, and experienced Officers," to use the words of the pamphlet, "who had so gloriously distinguished themselves in the ranks of the 15th Light Dragoons, when contending with the enemies of their country, before that regiment was under the command of his Royal Highness, *not one* remains to grace the corps with his presence, or to animate it by his example." What conclusions must the public form when they hear these facts? What can they think of the temper, the talents, or the common justice, of a Commanding Officer, who is thus obnoxious to all about him—who drives all spirit and desert from his presence—who is served with disgust, and quitted with disdain?—One only excuse remains for such a mind, and that is, that "the insolence of office" is generally proportioned to the ignorance!—But can no example—can no severe lessons—can no state of public opinion—teach it common prudence and a decent forbearance from wrong?—One of the Royal Dukes complained lately in Parliament of the violent philippics thrown out against him and his brothers: but what did his speech produce in the way of condolence? Absolutely nothing, except one or two "very sorrys" from the Ministers, in whose cause the said philippics had just been written, and who took care, for that reason, not to concern themselves about the matter. The impotence of such complaints only renders them doubly ridiculous: they could do no good, even in a Court of Law, where the same sentence that convicts the defendant of libel, often serves to confirm the plaintiff in infamy. The only effectual way to prevent exposure, is to be decent,—a common-place maxim, which among a number of other common-place maxims, such as the beauty of virtue and the omnipotence of truth, seems to have escaped the penetration of these Royal complainants. It is not one person, or two, or fifty, by whom they are reproached, but by the public at large, before whom it seems fated that they should never appear but under some disgraceful circumstances. In fact, do we *ever* hear of their generosity, of their justice, of their temperance, or of any great virtue of theirs, private or public? No; but we hear every day of their selfishness, of their wretched partialities, of their gross way of living, —of their mistresses, debts, and disgraces of all sorts. It is true, the poet says,

> On eagle's wings invidious scandals fly,
> While virtuous actions are but born, and die;—

but it is not of princes that he said this, or could say it; for let a prince exhibit the lowest and commonest piece of virtue, and it is trumpeted abroad as all that is exalted and extraordinary. The same poet says,—

> 'Tis from high life high characters are drawn:
> A saint in crape is twice a saint in lawn;
> A judge is just, a chancellor juster still;
> A gownsman learn'd; a bishop, what you will;
> Wit, if a minister; but if a king,
> More wise, more learn'd, more just, more every thing.
> Virtues bear, like gems, the highest rate,
> Here Heav'n's influence scarce can penetrate.
>
> POPE.

Allowing for the exaggerations of a satirist with regard to this extreme, what are we to think of princes who can obtain no praises at all;—who, in spite of their rank, their connections, and their opportunities to shew themselves to advantage, cut the meanest figures about court; who, in short, walk vacantly up and down society, only to bring royalty into contempt and honest men into trouble,—

> Nor wise, nor learn'd, nor just, nor *any* thing.

It is of no use whatever for such personages to be shocked at being called "Great Babies." If they do not choose to be exhibited for monstrous children, let them shew that they have arrived at years of discretion; let them prove that they can do something more than eat and drink, and cry out when they are touched; let them cease to make toys of every thing, great and small, which they can lay aside, change, or destroy, just as it suits their caprice,—toys of clothes, toys of furniture, toys of regiments, toys of wives! Really, there is something in the contemplation of all this, that almost degrades the task of exposing it, and makes one half ashamed of bestowing one's time and feelings on a subject so miserable; but the considerations connected with it are of obvious and serious importance; and ridicule naturally warms into indignation, when we see the beauty of our monarchical system polluted, and the life of the constitution itself endangered, by men so feeble, so frivolous, so lost to a sense of their situation and of our endurance. Certainly, the more the present state of things is considered, the more we look about us and see who and what are the prominent persons and actions in the upper part of our sphere,—so much the more must we admire the glorious opportunities of reconcilement and reform, which will be enjoyed by the Successor of GEORGE the Third.

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FOREIGN INTELLIGENCE.

FRANCE.

PARIS, JAN. 22.—The *Bulletin of the Allier* contain the following letter addressed by the Sub-Prefect of Ganna to the Prefect of the Department of the Allier:—

"M. PREFECT,—I know not how to give you the narration of a frightful crime, committed in the Commune of Bioz My pen seems to recoil at tracing details so horrible. A yo woman, 23 years of age, has just murdered her father, mother, her brother, and two sisters!—On the 13th Decemb Amable Albert, of the Commune of Biozat, a respectable m poor, and with a large family, was obliged, by the bad s of his affairs, to sell a small part of his property. His daugh Madelaine Albert, of a violent character, of suspicious mo and unfortunately accustomed to abuse her father and moth reproached her father in language the most violent, on acco of this sale, and ended by imperiously demanding a part of sum which he had received. The father refused, mentionin her at the same time the state of his affairs; she insisted, abused him outrageously. The father, vexed and affronte the insolence of his daughter, gave her several blows on shoulders, and ordered her to go to bed. She obeyed, went to bed.—A quarter of an hour after, she seized an and advanced without noise towards the fire-side where h ther, mother, and three brothers and sisters were warm

themselves. She aimed a blow with the axe at her father's head, laid open his skull, and in spite of the cries of her family, she repeated her blows. He was killed by the first stroke; any one of the wounds would have been sufficient to deprive this unfortunate man of life. They were so deep, that the monster must have been possessed of extraordinary strength to produce them. She then threw herself on her mother, without being softened by her prayers and sighs, struck her five times with the hatchet, and laid her at her feet. Her two young sisters, one eleven, the other three years old, met with no greater mercy. She struck the eldest both on the head and neck, but did not kill her, because the poor creature crept under the bed. These numerous crimes did not satiate the tigress. She seized her youngest sister, who held her mother's body, took her in her arms, and threw her alive as she was into a well. Of all this family a brother 13 years old survived by a kind of miracle. He was so fortunate as to creep behind a trunk, to open the door, and to make his escape, calling for assistance. Madelaine Albert added to so much atrocity the refinement of hypocrisy. She called to her brother, requested him to return, and promised to do him no harm. In a voice the most mild and calm she endeavoured to prevail on the boy to return to the house; but he was too much terrified, he ran away, and took shelter in the house of a man of the name of Richard. In consequence of his story, several of the inhabitants went to assist the family. They found Madelaine Albert walking with great agitation in the house, with a large knife in her hand, with which she threatened to kill any one that should approach her. The darkness of the night, and the terror inspired by so dreadful a sight, paralyzed the courage of these men; they durst not advance to seize her. In their presence Madalaine Albert took from her mother's pocket the key of the cupboard, opened it, took out the money that was in it, and went out of the house, without any of the spectators having the courage to seize her or follow her. It is supposed that she is gone towards Riom or Clermont; the Gens d'Armerie are in pursuit of her.—I have the honour to be, &c.

"SARTIGES."

PORTUGAL.

LISBON, JAN 20.—Mortier, with about 12,000 men, has crossed the Tagus above Badajoz, and is now moving down with an immense train of artillery, ammunition, stores, &c. On the left side of the Tagus, we have above 19,000 men, now under the command of Marshal Beresford, General Hill having returned on account of ill health. On the 30th of December, General Silviera attacked the rear division of Drouet's corps, near Trancosa, with every prospect of beating it, but the Lamago and other Militia fled, leaving the entire weight of the action on the 24th regiment, commanded by Colonel Macbean, and a division of cavalry under Lieut.-Col. Paulena; these two corps fought most gallantly, and suffered severely. It is said, that the gallant Col. Macbean is wounded. The Portuguese retired to Marmenta da Beera. The enemy consisted of 7000 foot, 400 cavalry, with two or three pieces of cannon. This campaign will no doubt decide the fate of Portugal.

PROVINCIAL INTELLIGENCE.

A few months since, a great part of Ashdown Forest, in Sussex, was inclosed by a set of men called Foresters, and also by the Rev. Robert Bingham, the Curate of Mayersfield; but the forest being deemed to be the right of the Duchess of Dorset, the inclosures were thrown down by order of her Grace, Lord Whitworth, and Lord Sheffield, the acting Magistrate for that county. This act irritated those who had made inclosures, and some of them were heard to make use of threatening language. On Sunday, the 16th of December, a letter was found on the road near Mayersfield, by the sons of Mr. Richard Jenner, a respectable farmer, directed to their father; the boys took it home, but their father being absent, they gave the letter to their mother, who, on opening it, discovered that it was headed, in large letters, "Fire! Murder! and Revenge!!" and the contents were threatening destruction to the parson, churchwardens, farmers' houses, barns, and stacks. The boys told their mother, that after Mr. Bingham performed the morning service at Mayersfield Church, he got on horseback, to ride to a neighbouring parish to do duty there; he passed them, and when he was a short distance from them, they saw a paper drop from his pocket, which they were positive was the letter they picked up, and they suspected it to be his hand-writing, although it was evidently very much disguised; for these suggestions, however, the boys were reproved, Mr. Bingham being considered a highly respectable character, and a very intimate friend of Mr Jenner's. The circumstance caused considerable alarm. Lords Whitworth, and Sheffield offered a reward of 200*l.* for the discovery of the writer of the letter; and a number of people were employed to watch Mr. Jenner's premises, and to patrole in different parts. On the sixteenth of January, Mr. Bingham's house was discovered to be on fire, and great part of the premises were destroyed, as has already been stated. The account given by Mr. Bingham of the fire being very unsatisfactory, Lord Sheffield sent to Bow-street, after an active officer, and Mr. Read sent Adkins. Upon the officer's arrival, after making inquiries, he strongly suspected that Mr. Bingham had set his own house on fire, and in consequence placed several men to watch.—One of them discovered Mr. Bingham bringing a great quantity of books from his stable, and burying them in his garden. From a variety of other suspicious circumstances, a warrant was granted against Mr. Bingham, and one to search his premises, when Adkins found, in the privy, a variety of valuable papers concealed. In consequence of these and other suspicious circumstances, he was charged with having set his premises on fire, for the purpose of defrauding the Union Fire Office; and having been taken into custody, he on Friday week underwent a final examination at Lewes, before Lords Chichester, and Sheffield, and was fully committed for trial.

A few days ago, as a dragoon was on his return from duty to his quarters, a small public-house, called Barndean Hut, in the Forest, near Petersfield, in Hampshire, his attention was arrested by the cries of some person in distress, which induced him to ride up to the spot from whence they proceeded, where his humanity was shocked on beholding a woman tied to a tree, with the tears which her situation and suffering had produced actually frozen to her cheeks, and, horrid to relate, quite naked, having been stripped and robbed of every article of dress by two villains, who afterwards left her in that deplorable condition. The dragoon instantly cut the cords that bound her hands and feet to the tree, and having in some measure restored her to the use of her limbs by rubbing them, wrapped her up in his cloak, placed her on his horse, and proceeded on to his quarters, where he soon after arrived; and as he was conducting the shivering object of his care into the house, she looked through a window that commanded a view of the kitchen, suddenly shrunk back, and in a faint voice exclaimed, "there are the two men that robbed me of my all, and used me so cruelly!" The soldier, in consequence, entered the kitchen, and secured the men, who were the next day taken before a Magistrate, and after the necessary examination, fully committed to Winchester jail for trial at the next Assizes.—*Sussex Paper.*

A man of the name of Lasey, (boatswain's mate of his Majesty's ship Alexandria, now lying in Sheerness harbour), being lately on deck, he ordered the men from below, who, not complying so readily as he wished, his passion overcame him, and he swore the most blasphemous oaths. On the evening of the same day he was unable to go through his duty: the following morning he was deprived of the use of his limbs and his speech, in which state he lay but a few hours and expired.

Hugh Ousley, after having received sentence of transportation at the Stafford Sessions, attempted to pick the pocket of a fellow-convict while in the dungeon under the Court [illegible]

At Hereford Sessions, a man of the age of *eighty-two* years, was tried on an indictment of two counts, the one charging with an infamous assault on a child of *eight* years old, the other charging with a common assault: the prisoner was found guilty on the second count, and sentenced to twelve months imprisonment.

IMPERIAL PARLIAMENT.

HOUSE OF LORDS.

Monday, Feb. 4.

REGENCY BILL.

The Resolution for issuing a Commission under the Great Seal, for giving Assent, *in the King's Name*, to the Regency Bill,—having been agreed upon, a Message was sent to the Commons, requesting a Conference on the subject.—The Commons having accordingly attended in the Painted Chamber, the Lords appointed to manage the Conference went forth to communicate the Resolution of the House to the Commons.—On their return,

The Earl of MOIRA said, he did not rise to renew the debate, but for the purpose of protesting in the face of his country, which he most solemnly did, against the whole proceeding—a proceeding which he considered to be a deliberate violation of the law of the land, without the extenuation of any exigency, for the exigency might have been adequately provided for without any violation of the law. The proceeding was not only a violation of the law, but also of all the principles of the Constitution, and led to the establishment of a precedent of the most mischievous tendency. Considering it in this point of view, he felt it to be his duty to protest against it, which he did in the most solemn manner,—Adjourned.

Tuesday, Feb. 5.

A Deputation from the Lords having attended one from the Commons, in the Painted Chamber, on their return, the LORD PRESIDENT reported, that the conference had been held with the Commons, when the Managers on the part of that House communicated the concurrence in their Lordships' Resolution, communicated at the last conference.

In a few minutes the Archbishop of Canterbury, the Lord Chancellor, the Lord President (Earl Camden), the Lord Privy Seal (Earl of Westmorland), and the Master of the Horse (Duke of Montrose), &c. &c. took their seats on the Woolsack as his Majesty's Commissioners, in their robes of State.

The LORD CHANCELLOR communicated the commands of the Lords Commissioners to the Acting Usher of the Black Rod, to order the attendance of the Commons to hear the Royal Assent given by Commission to the Regency Bill.

Shortly after, the SPEAKER with a numerous attendance were introduced to the Bar, when the LORD CHANCELLOR addressed the assembly nearly as follows:—

"*My Lords and Gentlemen,*

"Forasmuch as his Majesty cannot be personally present here this day, a Commission has been issued under the Great Seal, authorising Us, and other Lords mentioned, (or any three or more of them) in the former Commission, issued under the Great Seal, for opening and holding this Parliament, to declare and notify to you, the Lords Spiritual and Temporal in Parliament assembled, his Majesty's Royal Assent to a Bill which has been agreed upon by both Houses of Parliament, and which Commission you shall now hear read."

The Commission was then read by the Clerk. It appeared couched in the usual form, for giving the Royal Assent to a Bill intitled,—"An Act to provide for the Administration of the Royal Authority, and for the Care of his Majesty's Royal Person, during the continuance of his Majesty's Illness, and for the resumption of the exercise of the Royal Authority by his Majesty."

The Commission being read, the LORD CHANCELLOR again addressed the Assembly:—

"*My Lords and Gentlemen,*

"Acting under the authority and by virtue of the Commission under the Great Seal, already mentioned and now read, we do declare and notify to you, the Lords Spiritual and Temporal and Commons, in Parliament assembled, that his Majesty has given his Royal Assent to the said Act mentioned in the Commission; and the Clerks are required to pass the same in the usual form and words."

The Reading Clerk then read the title of the Regency Bill; and Mr. Cooper, the Principal Clerk of the House, announced the Royal Assent to the same in the accustomed words and language—*Le Roi le Veut!*—The Commons then withdrew, and their Lordships Adjourned.

Wednesday, Feb. 6.

After transacting some private business, the House adjourned till Tuesday next.

HOUSE OF COMMONS.

Monday, Feb. 4.

THE REGENCY BILL.

The Deputation from the House having returned from holding a Conference with the Lords on the Regency Bill, and before the House had resolved itself into a Committee on the State of the Nation,

Sir T. TURTON rose to enter his protest against all the proceedings respecting the Regency Bill. He maintained that the two Branches of the Legislature were not competent to make any provision that would have the effect of *law*; to give a fictitious Royal Assent to an act of the two Houses, was nothing more than to give their own assent to their own act. And this unconstitutional proceeding, too, was at the very moment when they were *professing* to aim at the preservation of the form and principles of the Constitution!—Sir Thomas then proceeded to prove that the Restrictions on the Regent were most injudicious and injurious, and concluded by calling upon the House to prevent such a monstrous violation of the principles of the Constitution.

The House then went into a Committee, when Mr. PERCEVAL moved, that the Resolution of the Lords be agreed to.

Mr. ELLIOTT and Mr. PONSONBY both entered their protests against what they termed the consummation of "a fradulent fiction,"—a fiction, said Mr. Ponsonby, defying and trampling upon the Constitution, and offending the first principle of reason, by asserting the existence of a power to give the Royal Assent in an act designed solely to supply the Royal Incapacity.

The SPEAKER professed to entertain opposite views of the subject. The House, he said, had been called upon to perform a new duty,—to fill up a chasm in the Constitution. The task was hazardous and momentous, but it could not be declined. They were on the point of making a contract, to which the King, from his illness, could not be a party; and it would be a plain abandonment of their duty and allegiance to him, to forget that they had two ends, not one, to accomplish. To him it appeared, that these purposes would be most effectually secured by a simultaneous act, a proceeding that should be instant and direct, and which should likewise bear as close a resemblance as possible to the ordinary forms and solemnities of Parliament. Regarding then the Great Seal as the organ expressing the Royal Authority for important national purposes, as the instrument by which the will and sanction of the supreme power of Government was always signified, he thought it highly expedient that the two Houses, acting for the nation at large, and on behalf of the Sovereign, should give life and activity to that ensign of the Regal Power, and treat it as the obedient instrument of the Chief Magistrate. He was supported by the whole mass of our History, when he maintained the doctrine, that at every period the Great Seal had been accessible to the two Houses, acting on extraordinary emergencies on behalf of the King. During the illness of Henry VI. the Great Seal was put to a Commission, which Commission recited an Act of Parliament; and at the Restoration it was put into the hands of the Earl of Manchester for similar purposes. If it was appa-

rent that the same necessity existed now for so doing, why should they overlook or depreciate the value of such a solemnity?—The step about to be taken had been termed a fraudulent fiction; but in his judgment it was not a fiction; it was one power acting in the place of another. It is said that it assumes the volition of a person incapable of acting; but how is this the case? In the usual Commissions, it is the King that acts, with the intervention of his Privy Councillors. What has the Parliament done on the present occasion? Parliament has struck out the Privy Council, and recorded its own name in the place. It writes its own name in the body of the instrument. This is not fiction; and it is a perversion of language to call it by any such name as fiction. This supposed fiction is said to have answered no other end but to delay the proceedings. But were the Regent even appointed by Address, it must be a month or more before he can proceed to any act of Government. He must come forward for a confirmatory statute, otherwise he would act without any authority; and whether or not he assented to that act, he must act in the name of the King, who is declared incapable of acting. Gentlemen opposite say he acts in his own name; but he would ask them by what authority he acts? *(Hear!)* This is begging the question. It ends as it began—he acts by the authority of Parliament. They would merely put the Regent in that objectionable situation, to do that by himself which was more properly the act of Parliament, and which rested on the authority of Parliament. If the Regent should be appointed by Address, he must usurp the King's name and authority; but were they sure that such a Regent would find the Privy Seal obedient to his commands? A great deal of the business of the nation was, as is well known, carried on by the Sign Manual; but would the Regent, by Address, venture to put the Sign Manual to any of his Acts? If he did so, it was very probable that many of those acts would be disputed in every Court in the kingdom. In such a case the Regent could only rest upon them for authority. They must give him their mace for a sceptre. *(Hear!)* It would be wrong so to compromise their authority, when they could at once give him a sword which was irresistible—when they could at once exert a power which could never be controverted. His opinion, therefore, was, that the mode of proceeding which the House had adopted, was the most constitutional mode—that the Act by which the Prince was vested with the Regency was consistent and contemporaneous in its effect—and that it was beneficial to the Sovereign, and equally beneficial to the country. *(Loud cries of approbation.)*

Mr. PONSONBY replied, and observed, that the fiction of which he complained, was that which supposed *the free will of the King* at a time when it was declared that he was *incapable of volition*. The Right Hon. Gentleman has said, that the acts of the Regent by Address would not be obeyed in the Courts of Law. He never supposed that the Regent should, immediately on the Address, proceed to acts of government; he supposed always that it was by legislative interference alone, that his power could be completed. But he knew not what virtue there was in the metal of the Great Seal, that could render it a succedaneum for the Royal Authority. Let the argument of the Right Hon. Gentleman be pushed to extremity—who will say that the Courts of Law will obey the Act to which the Great Seal is affixed? because there is not a man in the country who does not know that the Royal Will is wanting. The Royal Will makes no part of the measure, whether it be by Bill or by Address; and the whole controversy is, whether it be a wiser course to follow the precedent of the Revolution, or the precedent of 1789?

Mr. SHERIDAN, in a short speech, ridiculed the boundless admiration of the precedent of 1789 which Ministers had expressed, and concluded by entering his solemn protest against the whole measure, and against this Commission, as contrary to Statute, the Law, and the Constitution.

The question was then put, and carried in the affirmative, without a division.—The Report was afterwards received; and on the second reading—

Sir T. TURTON proposed an Amendment, which declared the Commission to be illegal and unconstitutional.

This being negatived, the original Resolution was agreed to.—Adjourned.

Tuesday, Feb. 3.

A Deputation was sent to the Lords, announcing the consent of the Commons to the Resolution respecting the Regency Bill. —Adjourned.

Wednesday, Feb. 6.

The Members not having assembled in sufficient numbers to form a House, an adjournment took place.

Thursday, Feb. 7.

The SPEAKER apologized to the House for his absence on the preceding day; which, he said, had been occasioned by his detention at Carlton-house.

The House, at an early hour, adjourned till Tuesday next

TUESDAY'S LONDON GAZETTE.

BANKRUPTS.

J. Blaylock, Carlisle, muslin-manufacturer.
R. Sowter, Kingston-upon-Hull, merchant.
W. Allder, Seward-street, Goswell street, soda-manufacturer.
D. Bowen, Neath, Glamorganshire, skinner.
J. Ditcham, Sherborne-lane, carpenter.
J. Colvin, Liverpool, merchant.
W. Sanderson, Liverpool, timber-merchant.
T. Roberts, Liverpool, woolen-draper.
W. Cansdell, Hackney-road, carpenter.
W. Garman, Bristol, merchant.
A. C. Smith, Kennington-green, Surrey, merchant.
J. Benwell, Freshford, Somersetshire, innholder.

SATURDAY'S LONDON GAZETTE.

Downing Street, Feb. 6, 1811.

A Dispatch, of which the following is an Extract, has been received at the Office of the Earl of Liverpool, addressed to his Lordship by Lieut.-General Viscount Wellington, dated Caruxo, 19th of Jan. 1811.

Since the enemy obtained possession of the bridge over the Guadiana at Merida, the accounts of their progress have been so various and contradictory, that I am not enabled to form an opinion of their designs or numbers.

When General Mendizabel retired across the Guadiana, he threw a small corps of about three thousand infantry into Olivenza, which place was but ill supplied with provisions and stores. A body of infantry, which at times have been stated to be four thousand, and at others seven thousand, with about one thousand five hundred cavalry, have blockaded Olivenza.

There has been no alteration in the position of the enemy's troops in front of this army.

I imagine that General Claparede has not received the orders from General Drouet to take up his position upon Guarda, of which I reported to your Lordship in my last dispatch that we had intercepted the duplicate.

He attacked General Silveira with the advanced guard of his division near Trancoso, at the Ponte d'Albade, on the 30th ult. and obliged him to retire, with some loss. Lieut.-Col. M'Bean, of the 24th regiment, was wounded in this affair.

General Claparede attacked Gen. Silveira again, with the advanced guard of his division, at Villa du Ponte, on the 11th instant, and obliged him to retire, but without material loss, excepting that of Major Cooksey, of the 24th Portuguese regiment, who was unfortunately killed, and the officer commanding the 1st brigade of Portuguese militia wounded.

General Bacellar, who commands in the North, has moved the divisions commanded by Gen. Miller and Col. Wilson upon the flank and rear of the enemy, which it is expected will check this movement, and oblige him to fall back again towards the frontier. A part of Claparede's division was still at Pinhel.

Downing-street, Feb. 9, 1811.

A Dispatch, of which the following is a Copy, has been this day received at the Earl of Liverpool's Office, addressed to his Lordship by Lieut.-General Viscount Wellington, dated Cartaxo, 26th Jan. 1811.

Cartaxo, Jan. 26, 1811.

My Lord,—The enemy has continued the blockade of Olivenza, and obtained possession of that place either on the 22d or 23d inst. Notwithstanding the positive assertions that a large body had crossed the bridge of Merida on the 9th, it does not appear that the French have yet had any large body on the right of the Guadiana. They have a train of six twenty-four-pounders, and other ordnance of large calibre, and a large quantity of stores and carriages, on the left of the Guadiana; but it is not yet considered decided that they propose to attack Badajoz.

I am concerned to have to report to your Lordship, that the Marquis de la Romana died in this town on the 23d inst. after a short illness. His talents, his virtues, and his patriotism, were well known to his Majesty's Government. In him the Spanish army have lost their brightest ornament; his country their most upright patriot; and the world the most strenuous and zealous defender of the cause in which we are engaged; and I shall always acknowledge with gratitude the assistance which I received from him, as well by his operations as by his counsel, since he had been joined with this army.

Upon receiving accounts of the movements of the French troops in Estremadura, of the difficulties experienced in the relief of Olivenza, and of the possibility that Badajoz might be attacked, he ordered the Spanish troops which had been joined to us, to march towards the frontier, and they commenced their march on the 20th instant.

General Mendizabel has since ordered them to halt on the road.

Since I addressed your Lordship on the 19th inst. I have received the detailed accounts of General Silveira's affairs with the enemy in Upper Beira. In the affair at the Ponte d'Albade on the 30th of December, which was the most serious, and in which the greatest loss was sustained, the General attacked the French and was repulsed.

In the last affair of the 11th instant, the French attacked General Silveira at Villa de Ponte, and he was obliged to retire upon Lamego. He was followed by the French division, and was obliged to evacuate Lamego, and to retire across the Douro on the 13th instant.

General Bacellar then took up a position on the Pavia, on the enemy's left flank, while Colonel Wilson was upon their rear at Castro Daire, and Gen. Silveira prevented them from crossing the Douro.

These positions appear to have induced Gen. Claparede to retire again, as I have heard, from another channel, of his arrival at Trancoso.

The enemy have made no material alteration in their position in front of his army since I last addressed your Lordship. They appear still to entertain a great jealousy of all our movements on the left of the Tagus, and they have recently removed some of the boats which were in the Zezere. They detached a body of 2000 men from the rear of their army into Lower Beira, on the 22d instant, apparently to escort a Courier towards the frontier.

They drove our picquets through the town of Rio Mayor on the 19th instant, with a strong body of cavalry and infantry; but retired again immediately. It is reported that General Junot was wounded on this occasion.

Our light detachments, under the Honourable Captain Cocks of the 16th Light Dragoons, and others, still continue their operations with success and send in many prisoners.

My last accounts from Cadiz are of the 15th instant.—I have the honour to be, &c.

Wellington.

The Gazette likewise contains a Proclamation by the Prince Regent, for a General Fast, in England on the 20th of March, and in Scotland on the day following.

BANKRUPTS.

J. Hall, Bletchingly, Surrey, brewer.
F. Parkhouse, Brixham, Devonshire, linen-draper.
G. Swindells, Stockport, hatter.
G. Floyd, Liverpool, ale-merchant.
W. C. Stephens, Westbury-upon-Trim, jobber.
T. Harriott, Bithopsgate-street, chinaman.
N. Simpson, jun. Ely, Cambridgeshire, currier.
N. Cooper, Pemberton-row, Gough-square, china-gilder.
R. Cullen and J. Pears, Cheapside, factors.
E. T. Fairless, Staple's Inn, money-scriyener.
E. Symonds, Rusper, Sussex, dealer in cattle.
A. D. Joyce, Fordingbridge, Hants, tick-manufacturer.
W. Knight, Well-street, St. Mary-le-bone, carpenter.
A. Thomson, Nag's-Head-court, Gracechurch-street, factor.
S. Peck, Liverpool, merchant.
W. Stonehewer, and J. Bailey, Manchester, cotton-manufacturers.
R. Weston, and J. and J. Dufton, Aldermanbury, factors.
J. Horner, West Smithfield, victualler.
S. Cannom, Beckingham, carpenter.
P. Dingwall, Ludgate-hill, grocer.
G. Watts, Hackney, baker.
C. Sankey, James-street, Covent-garden, cheesemonger.
A. Munday, Shrewton, Wilts, victualler.
J. H. Beavan, Kennington, Surrey, flour-factor.
L. Monnet, Spring-Gardens, tavern-keeper.
T. Pullen, Newington, dealer and chapman.
R. Trevithick and R. Dickinson, Limehouse, dealers.
W. R. Blagg, Great Grimsby, Lincoln, corn-merchant.
J. Kirk, Leeds, York, tin-plate-worker.
I. Hainsworth, Pudsey, York, clothier.
R. Boys, Preston, Lancaster, builder.
J. and G. Brown, Croydon, cheesemongers.
J. Jones, Lancaster, oil-dealer.
G. Nicholson, Queen-street, Bloomsbury, dealer.
E. Hopwood, Marsden, Lancaster, calico-manufacturer.

THE EXAMINER.

London, February 10.

The Prince of Wales has at length entered upon his office as Regent; and if his first act in that office has not been universally intelligible, it has on all hands been allowed to be very surprising. The Opposition, who expected to rush at once to the head of affairs, and thrust out the Ministers with as much forceful rapidity, as one pellet expels another from a pop-gun, have found themselves carelessly dropped from the Prince's hand, and their stubborn adversaries fixed as tightly as ever in place. If it is true that the Regent had actually given his orders for the formation of a new ministry, this sudden change of his mind is not very accountable upon grounds that can do honour to his consistency. Four causes may be suggested on the occasion, out of which the public must at present be content to chuse that which agrees best with the general character of his Royal Highness and his friends:—first, a conviction that his Majesty will recover soon enough, and soundly enough, to resume the cares of government;—second, pure indecision of mind, doubly perplexed by the doubtful appearance of things;—third, because the proposed ministers have been quarrelling among themselves, and his Royal Highness could not reconcile them to each other, or himself to the *whole* of them;—and fourth, a determination *in the end* to have neither Pittite nor Foxite for his ministers, but to take up the cause of Reform, and act upon some enlarged and noble plan for the general reconcilement of all ranks of people and the regenerated strength

of the Constitution.—With regard to these different motives, people *wish* perhaps according to the goodness of their hearts, but *think* according to their knowledge of men and things.—If the PRINCE really believes, from what he may have lately heard, that his MAJESTY will soon resume the reins of government, and can resume them too with propriety, that is to say, with mental and physical as well as nominal power, the *first* motive is quite sufficient, and does equal credit to his feelings and understanding.—If he is doubtful upon the subject, the *second* appears equally to account for his conduct, though not to render it so respectable; and the persons are not a few, who, judging from the weakest parts of his character hitherto known, are inclined to make up their minds completely on this ground.—The *third* nevertheless is highly probable, and appears still more so, when we hear the report circulated respecting the differences between Mr. SHERIDAN and my Lords GRENVILLE and GREY, and when we recollect the earnestness with which his Royal Highness paid visits to Lord HOLLAND just before the Regency, at which time it is supposed an arrangement was proposed, that should place his Lordship at the head of affairs, to the great mortification of the less popular and less liberal Noblemen above-mentioned;—but still, this does not do away the indecision.—The fourth and last is the one at which most people shake their heads:—when we cry, "Glorious opportunities!"—they cry, "Terrible habits!" and will not hear of speculations so *romantic*. The Reformists, however, see nothing more unfavourable to Reform in the retention of PERCEVAL and LIVERPOOL, than they do in the rejection of GRENVILLE and GREY: they could have wished that an Administration might have been formed, in which such men as Mr. WHITBREAD were the principals,—men of enlarged views and feelings, who they believe would do much and sacrifice much for the good of the people; but if the REGENT has acted from conviction of the KING's speedy and entire recovery, or from indecision, or from a wish not to offend GREY and GRENVILLE by raising his better friends over their heads,—they have nothing more at present to say on the subject;—in justice, however, to the present obscure state of things, to their own anxiety for the Constitution, and to the common sense and spirit of the PRINCE REGENT, if he has one drop of blood in his veins that thrills at the name of Glory, —they will continue to hope as much as possible from his future endeavours, and to shew him how ardently they cling to any reasonable supposition, that can tend to assure them of the happiness and the patriotism of their future Sovereign.

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Remarks next week on a calumnious article in the *Times*, against the Editor of the Espanol; and on the Verdict given in the Court of King's Bench, in the case of the King v. Finnerty.

THEATRICAL EXAMINER. No. 87. *LYCEUM.*

If the Manager of the Lyceum continue to improve, as he has begun, in the selection of the new pieces offered him, his stage will soon outshine Covent-Garden in this respect, notwithstanding the great shew and still greater promises of that "classical" theatre. The comedy of *Lost and Found*, which was written, it seems, by a gentleman of the name of MASTERS, was unquestionably superior to the general run of our dramatic hacks; so is the farce of the *Bee-Hive*, in an inferior degree, though it turns out to have less originality than I thought;*—but by far the best step towards dramatic worthiness, that has been taken since Mr. KENNY's *World*, has lately appeared in the new opera called the *Peasant Boy*. In general, the phrase "new opera," whether coming from the English or Italian theatre, implies something as old as it is foolish,—something altogether vulgar, tasteless, and mechanical,—in short, as mere a vehicle for music as a vagabond with a hand-organ on his back. To find therefore something decent on such an occasion, and not only decent, but something possessing a little novelty and more taste, is a refreshment, the greatfulness of which is only conceivable by the critics. The author tells us, in a modest and somewhat quaint advertisement, that his production is "founded upon a recorded fact in the Vienna Magazines for 1765," and that "in the fabrication of its scenes he hath had no further intent than to introduce upon the stage, though an *unoffending* medium, the music of one of our most meritorious national composers." He therefore begs to be "criticised rather *comparatively* than *positively*;" and as far as his interest is concerned, he is right;—but if a critic were to confine himself to comparison on such occasions, it is evident that the readers might have little or no idea of the author's merits after all, since it is very possible, now-a-day's, for a dramatist to be comparatively good, and at the same time to be positively bad.—The main story, though "a recorded fact," might easily be mistaken for a common stage plot. *Baron Montaldi* (Mr. RAYMOND) has a vehement inclination, common to younger brothers in romance, to be possessed of the fine estates of his elder brother the *Duke Alberti* (Mr. HOLLAND) and finding no other way of succeeding, adopts the expedient, equally common, of dispatching the Duke in a bye-corner. The Duke, who is returning home from the wars, and the happiness of whose arrival is anticipated by his lady and household, is accordingly encountered in a dark wood by the Baron in disguise, who after leaving him for dead, flies from an unknown pursuer, and in order to baffle discovery, drops his disguise at the door of a cottage on the road. This disguise, together with a blood-stained dagger, is unluckily picked up by a peasant boy (Miss KELLY), who, unnerved at the sight, stands trembling with them in his hand, and is seized in this attitude by a party of soldiers, who have been sent after the assassin. The affair is brought before the *Duke*, who, in order to avoid being judge in his own case, seats his *brother* on the judgment-seat. The youth,—son of an old soldier and sustained by his conscious innocence,—strenously, though with great agitation, denies the fact, but is nevertheless about to be sentenced to death by the perturbed villain on the bench, when, as a last resource, he calls upon the name of one *Ludovico* (Mr. LOVEGROVE), who had begged him so to do when in prison;—*Ludovico* comes forward, and to the astonishment of the persons present, the delight of the boy and his father, and the utter dismay of the judge, declares that when the attempt at assassination was made, he had pursued the man, given him a woond across the hand, and taken from his finger in the struggle an emerald ring:—it is recollected that *Montaldi's* hand had latterly been wrapped in a

* A Letter to the *Examiner* on this subject will appear next week.

bandage, and the Duchess also recollects, that she had presented him with an emerald ring in token of her esteem:—the Court starts up;—the Judge rushes down from the bench to demand the ring, and in the desperation of the moment, stabs himself;—and the piece concludes, as of old, with the happiness of two pair of lovers, the peasant and his mistress (Mrs. Bland) and a lady and gentleman (Miss Duncan and Mr. Phillips) whose courtings and coynesses had formed what is called the underplot of the Opera. The latter part of this plot is interesting, as all *trial* incidents are, if decently managed; but there is nothing of what is new or surprising in it; and the characters, as far as regard themselves, are evidently so many nonentities. It is not in his story therefore, or in his observation of men and manners, that the author has excelled his contemporaries;—it is in his style of writing, in the manifest superiority of his habits of thinking and feeling, and in the air and turn of his poetry:—in a word, he is a man of taste, and Messrs. Dibdin and Reynolds are not; and this simple distinction throws an immeasureable distance between the author of the *Peasant Boy*, and the authors of the *Cabinet* and the *Exiles*.—The language of the piece, generally speaking, is easy and well mannered; and the conduct of the scenes judicious, except in one instance, where the lady and gentleman above-mentioned are made to encounter each other with gay speeches, the very moment after the poor peasant had left their presence in order to be tried for his life. This may be a touch of the court, or a stroke of dramatic contrast; but then the author should not have violated great beauties for a less; the lovers are persons of virtue and sensibility, and as he evidently intended they should be thought so, he should have taken care to preserve their character.—The words of the songs are decidedly the best that have been heard for years, not excepting Mr. Cumberland's later attempts in verse. Two or three of them, it is true, would not throw us into violent astonishment had they been written by Mr. Cherry;—the humourous one, in particular, respecting a marvellous well, the first draught of which decided the balance of power between new-married couples, is stale and badly told; but in general, the songs evince the taste of a man well acquainted with the poets, and perhaps not unlikely to become a poet of a lower order himself, if he is young and prepared to study. It is quite new, in a modern theatre, for a critic to hear songs about Petrarch, and to be reminded of some of the most pleasing productions of amatory poetry. The idea, at the commencement of the second act, of dismissing Love and recalling him, has often appeared in poetry, and has been particularly enlarged upon by Buchanan in the beautiful hendeca syllables beginning "Risus, blanditiæ, procacitates;"—the song of "*Whither strays my lover*," which Mr. Kelly has certainly set to a most graceful and fluent melody, is a delicate imitation of that exquisite little piece of Herrick's, beginning "Their eyes the glow-worms lend thee:"—but some of the other songs are not destitute of originality:—the following simile I do not recollect to have seen before:—

> As Ætna convulsively clasps in her breast
> A spirit she doubts whether evil or blest,
> Now mantling with olives and vines the warm ground,
> Now scattering perdition tremendously round:—
> So it fares with the lover, so wayward his fate!

In the present state of the drama, he who brings the least taste to the compositon of a play, is a real arquisition to the cause of good letters, as he may gradually help to lead the public mind round to its proper tone in these matters. It is to be wished therefore, that when a new dramatist meets with encouragement from impartial observers, it will stimulate him, not to a renewal of his faults in the hope of escaping by what little is praiseworthy, but to a proper ambition for what is altogether praiseworthy in the hope of escaping from his faults. The Author of the new Opera for instance, writing as he does in some instances, ought *not* to have *written* as he does in others.

COVENT-GARDEN.

The new opera of the *Knight of Snowdon*, which was produced here on Tuesday night, is attributed to a number of different people, and among others to Mr. Reynolds. It seems indeed about the pitch of that Gentleman, being in a style somewhat more respectable than Mr. Dibdin's productions, but without the least air of novelty, like the generality of Mr. Morton's. In a word, it is very shewy and very common-place, and is barely worth notice on account of its being taken from Mr. Scott's last, well-known poem of the *Lady of the Lake*. The reader may easily suppose, that what has been taken from this poem is infinitely the better part of it; yet, though dramatized from a Poet sufficiently theatrical in his subjects, it has little interest; and the best parts of the original must naturally have been lost to the imitator, inasmuch as they consist of description. The pitch of the Author's mind is indeed sufficiently explained by his going to such a source for his ideas. It is purely borrowing at second-hand, and from a writer of second-rate genius. Mr. Scott is the feast of his day, as Darwin was of his; but it is a feast of cloying sweets, at which "crude surfeit reigns;" and the admirers of terse writing and pure invention are very much mistaken, if ten or twelve years do no not drive the gorgeous knights and ladies of Mr. Scott as completely off the stage, as they have driven the enamoured pinks and gilly-flowers of the Doctor.

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FINE ARTS.

BRITISH INSTITUTION.

This valuable establishment opens its annual Exhibition to the public to-morrow, the tasteful part of which will observe, in the encreased excellence of the pictures and the improvement of the young candidates, the encreasing advantages of the Institution. A well-written preface to the Catalogue contains this cheering conclusion:—"Of their prospects of success, the Governors can now speak with increasing confidence, from a circumstance which, they trust, will give value and permanency to patronage and protection. They refer to the visible and gratifying improvement of our rising artists in Historic Painting, that has induced the Directors very considerably to increase the premiums, which are announced for excellence in that department; and which, they hope, the liberality of patriotic individuals will justify them in annually augmenting. They conclude with expressing a confidence, that by an extension of that liberality, and by the unremitting exertions of the Directors, an adequate encouragement will at length be given to British Artists, and the objects of the British Institution be successfully promoted." The encreased Premiums are, for the best picture in his-

torical or poetical composition, 200 guineas. For the next best 100; and for the third best 50. They will be encreased next year to 300, 200, and 100 guineas. It is also gratifying to observe, that in addition to a very considerable accession of governors and subscribers, among persons of the first rank and wealth, every member of the Royal Family is added to the list. The President of the Royal Academy has honoured the Exhibition with a picture; beside which, there are some good pictures by other Academical members, one of whom, Mr. Dawe, is a candidate for the first prize. The pictures are hung with Mr. V. Green's acknowledged judgment and impartiality. Remarks on the Exhibition will be given in future *Examiners*.

WAR OR SUBMISSION; BEING COUNT ZENOBIO'S REPLY TO B. F.

[Concluded from Sunday, 27th ult.]

N. B. I observe, with regret, several errors in my last letter, some totally perverting the sense, owing to a want of leisure to review the copy—to correct them all would be too tedious; but I hope soon to have an opportunity to give a more correct impression.

Sir,—We ended our last Letter with a quotation from Mr. Burke's Regicide Peace, nor can we begin better the present one than by giving another extract out of the same book, as there are none which treat so completely both the great question of peace, and the manner of conducting a war so different from all others, and which is more calculated to raise the public mind to noble thoughts, from that low state of selfish and narrow views into which it has been rapidly sinking:—"The great resource of Europe was (*is*) in England; not in a sort of England detached from the rest of the world, and amusing herself with the puppet-show of a naval power (it can be no better, whilst all the sources of that power, and of every sort of power, are precarious), but in that sort of England, who considered herself as embodied with Europe; in that sort of England who, sympathetic with the adversity or the happiness of mankind, felt that nothing in human affairs was foreign to her."—These are truly magnificent ideas and grand, liberal sentiments, worthy of a great mind, worthy of a great nation. These were the politics which, in the vigorous reign of the third William, stopped the alarming career of Louis XIV. and that made England great, loved, and respected. But the politics of this day are *British* objects, i. e. paltry advantages in trade, which rendering this war unpopular on the Continent, has better served Bonaparte's designs even than all the stupidity of Austria and Prussia. The *true British* object is the independence of Europe, as by it England will be able to enjoy in security the blessings of peace.

But there is yet one plausible argument which had and *has* still a great effect with many worthy and sensible people, "that Bonaparte is sincere in his wishes for peace." Indeed I believe it; nay, I go much further; he ardently wishes for it,—upon his own terms though, for he well knows that it is peace with England alone that can fix him firm on his yet vacillating throne—put a seal to all his usurpations, of which he has a precarious and loose hold as long as the war continues. Thirteen years of perpetual war has it cost him to enslave the best part of the Continent; a reverse of fortune may in as many *months* strip him of all. Upwards of a year and an half was this great hero in conquering the small district of Italy, which lies between the Bochetta of Genoa and the Appenines. In *six* Suwaroff purged Italy of all Bonaparte's soldiers.—Peace at this moment would be the grave of lacerated Europe's last hopes, and leave England in a state of perpetual danger, and be the *proud* triumph of the usurper. With such a man, and under such circumstances, there is no security but in war—"Quare suscipienda quidem bella sunt ob eam causam, ut sine injuria in pace vivatur"—Peace is *submission*.

People of France, the blessings of peace are in your hands; put down that monstrous system of universal tyranny and universal robbery,—re-establish an honest, legitimate, liberal, equitable government, in which the civilized nations of the earth can put trust, and the glorious work is done. England, I am sure, has no animosity against the French, and sincerely wishes to reassume the accustomed relations of peace and amity with her neighbours, as soon as it can be done with honour and safety; but none can be expected as long as you continue to be ruled by a man, who, raised from a low station (by an extraordinary concurrence of circumstances) to a towering height, is become giddy, and knows of no limits to his power. Certainly Bonaparte must, like another Macbeth, have been visited by the Weird Sisters, who promised him, not a petty kingdom, but the possession of the whole world. While such a terrific apparition, which has subdued the best part of Europe, reigns with uncontrouled power in your country, no peace can be expected, but endless miseries and endless wars. And, good people of France, be not deceived by the tales propagated by this impostor, "that England is reduced to poverty and must sue for peace;"-no such a thing: for eighteen years this war has now lasted, and instead of having any diminution, every branch of the public revenue is greatly increased, some (the Post Office for example) has nearly doubled;—for eighteen years longer can the war be carried on with unabated vigour, not only without any addition to the burthens of the nation, but also with the lessening of several millions of taxes. * England sincerely wishes for a *safe* and *honourable* peace, but she possesses the *full* means and the *full* force of mind to carry on the war, *if necessary*, FOR AGES.

I now return to my own defence against the false accusations of this equally unfair and uninformed writer. Is it possible, if he has read my letters, he can say I attack the Protestant religion whilst I repelled the calumnies propagated against the Roman Catholics? I am not guilty of calumniating the established church of this country: No; I do not. If I recommend unity of religion, it is only in Spain, Portugal, and Italy, as owing to that circumstance, those countries have had the happiness to

* Certainly so; there is now in the hands of the Commissioners for reducing the National Debt, upwards of 16,000,000*l*. Let this sum be struck off from the Bank books, there will be in consequence upwards of 500,000*l*. a year less wanted to be raised upon the public to pay the interest of this sum, and accordingly taxes to this amount might be taken off. If I be permitted to offer my opinion, I think the present generation ought to feel some relief, and that all that is good should not be left for those yet unborn. As to the fall of stocks which this measure might occasion, I think it of no consequence at all, for if the price of stocks is lower, the people have the benefit of getting more interest for their money.

escape from the horrors of religious war—wars which have desolated Europe for thirty years;—and even England, though religious quarrels have not broken out in open war, yet they have been the occasion, in the four successive reigns of Henry VIII., Edward VI., Queen Mary, and Queen Elizabeth, † of the shedding of much innocent blood. But now that after a long and severe struggle the contest is at an end, and that universal toleration has become the laws of the land and the habits of the people, none but a distempered head could imagine of forcing things back again into the old channel; but, at the same time, I do not think it would shew much wisdom in any one, to try the dangerous experiment of lighting up the furious torches of religious war in countries where, from the first establishment of Christianity, there has been but one religion. The fatal example is in our eyes, is in our days. The sudden loose given to the wild imagination and vitiated heart of man, to attack the established religion and spread his own opinion, has drenched with blood the hitherto happy soil of France, and the fanaticism of atheism has murdered many thousands of their most innocent and meritorious citizens. I confess, I deprecate such a dangerous innovation in Spain.

I come, at last, to the most infamous of this man's accusations—that of *sanguinary*.—Let him learn, that the sanguinary man is him who wishes to shake hands with the murderer,—"for to be at peace with murderers and robbers is to be an accomplice with them,"—not him who abhors their society; the sanguinary is *him* who feels no pity for the sufferers and loves the executioner; it is *the person* in whom the murderer of an Enghien,—dragged from the sacred asylum of a neutral country, brutally hurried through a journey of 500 miles, is without a moment's repose carried before a secret tribunal, sentenced and executed the same night—that of Toussaint, basely trepanned in St. Domingo, and then poisoned in the fortress of Joux—that of the bookseller Palm, not amenable to the French tribunal, judged by a French Court-Martial, and instantly shot,—in whom these foul murders excite no horror. This *benevolent* man feels no compassion for the thousand victims daily slaughtered in Spain, for the iniquitous purpose of forcing on them his brother as a sovereign, who is destitute of all right: *No*, all his tenderness he reserves for the remorseless perpetrator of this huge mass of most atrocious deeds. We do not envy him *his* feelings.—I remain, your humble servant,

Brighton, Feb. 6, 1811. ZENOBIO.

P S.—I thought proper for once to answer the futile declamations of this scurrilous adversary; but, for the future, such vile abuse will only meet with the contempt of silence, unless there should occur such expressions as would warrant having recourse to the protection of the law.

I take this opportunity to offer my apology to the public for having so often troubled it with my humble writings. I began by addressing my unfortunate countrymen, on the grand object of liberating our lands, and inserted these in the public papers, as the only sure method of reaching their destination, which I know they have. I was attacked, and in consequence obliged to support my argument and my character. If, in this discussion, I was sometimes drawn to speak on the politics of England, I trust allowances will be made, on the consideration that they are so connected with those of Europe as it is impossible to keep them entirely separate. I am confident I spoke the language of truth, but I have not the absurd vanity to imagine that my feeble voice will have any effect on the public mind. I know that sober reasoning, unsupported by personal influence, has but a poor chance amidst the storm of contending passions.

With respect to my countrymen, I flatter myself all that I have said will not be entirely lost; but if it be, I shall still rejoice for all my sacrifices, from the reflection of having done my duty. I sincerely declare, that I would rather be a poor unprotected wanderer on the earth, without a house or acre of land of my own, as I am, than to retain possession of the wealth I had honourably inherited from my ancestors, by giving even a tacit consent to such a vile usurpation, to a reign of tyranny, atheism, and robbery. Whatever be the insufficiency of the few remarks here offered, in the present most awful crisis of the civilized world, the purity of my intentions can not be questioned.—I ask for no praise, but I think I do not deserve to be loaded with abuse. I know I shall be told, "what can you do?', I answer, "I do what I can."—Deserunt enim vitæ securitatem, quia nihil "conferent in eam studii, nihil operæ, nihil facultatum."—Cic. de Op.

† In this reign, upwards of two hundred Roman Catholics were executed only for persevering in the religion in which they were born.—See Dr. Milner's History of Winchester.

THE KING'S ILLNESS.

MEDICAL BULLETINS.

"*Windsor Castle, Feb.* 3.

"His Majesty continues in the same state as yesterday."

"*Windsor Castle, Feb.* 4.

"There has been little variation in the King's state since yesterday."

"*Windsor Castle, Feb.* 5.

"His Majesty continues to go on favourably."

"*Windsor Castle, Feb.* 6.

"His Majesty is quite as well as he was yesterday."

"*Windsor Castle, Feb.* 7.

"His Majesty seems to be making gradual progress towards recovery."

"*Windsor Castle, Feb.* 8.

"His Majesty continues to make gradual progress towards recovery."

"*Windsor Castle, Feb.* 9.

"His Majesty is in all respects as well to-day as he has been during the last two days."

INSTALLATION OF THE REGENT.

Wednesday being the day appointed for swearing in the Prince of Wales as Regent, about twelve o'clock a party of the flank companies of the grenadiers, with the band of the 1st Regiment, marched into the Court-yard of Carlton House, where the colours were pitched; the band struck up *God save the King*, and continued playing that national piece alternately with martial airs during the day. Six Yeomen and an Usher attended at Carlton-house, and together with the Prince's servants in state, lined the grand hall and staircase; several of the Life-Guardsmen were also in some of the rooms, in a similar manner as on Court days at St. James's Palace.

About a quarter before two o'clock, the Duke of Montrose arrived: he was followed by all the Royal Dukes, and a very numerous assemblage of Privy Counsellors, who had all arrived by a quarter before three o'clock. The whole of the magnificent suite of state apartments were opened, and the illustrious Persons were all ushered into the Gold Room. Almost every Privy Counsellor now in town was present—and they were about an hundred in number.

About half past two o'clock, Earl Moira brought a message from the Prince to the President of the Council, Earl Camden, desiring his attendance on the Prince in an adjoining room, to communicate to him officially the return to the summons, &c. The Noble Earl accordingly went with Earl Moira, and on his return, the Prince approached, preceded by the Officers of his own Household and several of his Council, among whom were Earl Moira, Lords Keith, Cassilis, Hutchinson, Mr. Sheridan, Mr. M. Angelo Taylor, Mr. Tyrwhitt, Colonel Mac-Mahon, Colonel Bloomfield, General Hulse, Mr. Bicknell, &c. &c. The Prince was also accompanied by all the Royal Dukes.—They passed through the room where the Privy Counsellors were assembled, through the Circular Drawing-room, into the Grand Saloon, where the Prince seated himself at the top of the table—his Royal Brothers and Cousin seating themselves on each hand according to seniority, and all the Officers of his Household, not Privy Counsellors, ranging themselves on each side to the entrance to the saloon. The Privy Counsellors then proceeded, in full dress, according to their rank—the Archbishop of Canterbury, the Lord Chancellor, the Archbishop of York, the Lord President, the Lord Privy Seal, &c. &c. &c. and as they severally entered they made their reverence to the Prince, and successively took their places at the table;—and lastly, Mr. Fawkener and Sir Stephen Cotterell took their seats, as Clerk and Keeper of the Records.

The Prince then spoke to the following effect:—"My Lords,—I understand that by the Act passed by the Parliament appointing me Regent of the United Kingdom, in the name and on behalf of his Majesty, I am required to take certain oaths, and to make a declaration before your Lordships, as prescribed by the said Act. I am now ready to take these oaths, and to make the declaration prescribed."

The Lord Privy Seal then rose, made his reverence, approached the Regent, and read from a parchment the oaths as follows—the Prince with an audible voice pronounced after him:—

"I do sincerely promise and swear that I will be faithful "and bear true allegiance to his Majesty King George.—"So help me God."

"I do solemnly promise and swear, that I will truly and "faithfully execute the Office of Regent of the United "Kingdom of Great Britain and Ireland, according to "an Act of Parliament passed in the fifty-first year of "the reign of his Majesty King George the Third (in-"titled An Act, &c.), and that I will in all things, to the "utmost of my power and ability, consult and maintain "the safety, honour, and dignity of his Majesty, and the "welfare of his people.—So help me God."

And the Prince subscribed the two oaths. The Lord President then presented to his Royal Highness the declaration mentioned in an Act made in the 30th year of Charles II. intitled "An Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament," and which Declaration his Royal Highness made, repeated, and subscribed. The Lord President signed first, and every one of the Privy Counsellors in succession signed these instruments as witnesses—and the same was delivered into the hands of the Keeper of the Records.

The Prince then delivered to the President of the Council a certificate of his having received the Sacrament of the Lord's Supper at the Chapel Royal of St. James, on Sunday, the 27th January ult.

The Lord President then approached the Regent, bent the knee, and had the honour to kiss his hand. The Royal Dukes followed, and afterwards the Archbishop of Canterbury, and all the rest, according to the order in which they sat at the table, advancing to the chair on both sides.

The ceremony being closed,—a short Levee took place in the Drawing-room, when his Royal Highness addressed himself to the circle; and afterwards he gave an audience to Mr. Perceval, who had the honour again of kissing his hand, as First Lord of the Treasury and Chancellor of the Exchequer.

His Royal Highness gave private audiences also to—The Archbishop of Canterbury, the Lord Chancellor, Earls Camden, Westmorland, Liverpool, Bathurst, and Derby, the Marquis Wellesley, Lords Mulgrave, Palmerston, and Gwydir, Sir David Dundas, Messrs. Ryder and M. Sutton.

They were introduced into the presence of his Royal Highness the Prince of Wales by the Earl of Moira.

The following, among others, were present:—

Their Royal Highnesses the Dukes of York, Clarence, Kent, Cumberland, Sussex, Cambridge, and Gloucester.—The Lord Chancellor.—The Archbishop of York.—The Lord President of the Council.—The Lord Privy Seal.—The Duke of Montrose.—*Marquisses*—Hertford, Buckingham, Stafford, Lansdowne, Wellesley, and Douglas.—*Earls*——Moira, Liverpool, Aylesford, Derby, Grosvenor, Bathurst, Chatham, Spencer, Hardwicke, Winchelsea, Buckinghamshire, Chesterfield, Lauderdale, Temple, Harrowby, Grey, and Powis.—*Viscounts*—Cathcart, Morpeth, Sidmouth, and Castlereagh.—*Lords*—Grenville, Holland, Erskine, Ellenborough, C. Somerset, Palmerston, Arden, F. and J. Thynne, Redesdale, Teignmouth, St. John, Walsingham, St. Helen's, and Mulgrave.—The Bishop of London.—The Master of the Rolls.—General Fitzpatrick.—The Chief Baron Macdonald.—*Sirs*—W. Drmmond, J. Sinclair, W. Scott, J. Nicholl, David Dundas, E. Nepean, and J. Anstruther.—The Speaker of the House of Commons.—*Messrs.*—Ponsonby, Tierney, Sheridan, Ryder, W. Elliott, C. M. Sutton, G. Canning, C. Yorke, T. Grenville, G. Rose, and Long.

The table was covered with crimson velvet, and there were several silver ink-stands, which are said to have formerly belonged to Queen Anne.

LAW.

COURT OF KING's BENCH.

Tuesday, Feb. 5.

HABEAS CORPUS.

The ATTORNEY-GENERAL made a communication to the Court on the subject of the impressed man, to bring up whose body a rule *nisi* for a *habeas corpus* had been granted, upon the ground that he was the Master of a vessel; and that if it were lawful to impress men in his situation, Captains, or even higher Officers in the mercantile service, might be impressed equally with common seamen. The Attorney-General stated, that, in point of fact, the man had been withdrawn from the Standard before that ship sailed on foreign service, and was removed to the Salvador del Mundo, where he now was, having never been sent on any service whatever. The Attorney-General was anxious that this circumstance should be made known, as it would serve to correct the animadversions which had very properly fallen from the Court, under its erroneous impression, that the man had been sent abroad pending the application to their Lordships for a *habeas corpus* to bring up his body.

Lord ELLENBOROUGH expressed his satisfaction at the Attorney-General's communication to the Court. He was very glad that the foundation of the fact which had excited their displeasure was now withdrawn.

THE KING v. WEINHOLT AND OTHERS.

The ATTORNEY-GENERAL moved for leave to file a criminal information against Messrs. Weinholt, Outram, and Welch, three merchants of Liverpool. It appeared from the affidavits upon which this motion was made, that Mr. Weinholt being indebted to a gentleman of the name of Ryling 100l. had thought proper to meet the debtor's claims by a challenge. Mr. Outram attended Mr. Ryling with the letter, and when the latter expostulated with him upon his friend's conduct, refused to hear any explanation. Mr. Welch's name was added to the motion, because he accompanied Mr. Weinholt to the public coffee-house at Liverpool, where Mr. Ryling was thus posted for refusing the challenge: "To the act of a scoundrel that of a coward being added by Mr. Ryling, he is hereby posted accordingly." This paper was sworn to be of the

hand-writing of Mr. Welch. The Attorney-General did not go at large into the transaction; but said it would turn out to be one of the most outrageous cases the Court had witnessed.—*Rule nisi granted.*

Wednesday, Feb. 6.

Mr. Attorney-General moved for a rule to shew cause why a criminal information should not be filed against Mr. John Hornbrook, a surgeon of Tavistock, in Devonshire, for a gross insult offered to Mr. Pinnock Carpenter, a magistrate of that county. The affidavit stated, that Mr. Hornbrook, having ill-used a young girl, named Mary Lander, who had been bound apprentice to him, an order was made by the magistrate for her better treatment; and that the magistrate had at the same time made her a present of a bible for her instruction, and accompanied it with a pair of shoes. Shortly after this, the parish officer, finding that the girl was with child, brought her again before Mr. Carpenter, where she swore, that Mr. Hornbrook was the father of the child, although when she first appeared before the Magistrate, she denied his having had any connection with her, excusing herself by saying that she was ignorant of her being pregnant, and that she did not wish to expose her disgrace, as well as that of Mr. Hornbrook. Upon this, Mr. Carpenter thought it necessary to issue his warrant to bring Mr. Hornbrook before him, finding that the polite note which he first sent to him was ineffectual. Soon afterwards, however, Mr. Carpenter received a long letter from Mr. Hornbrook, which was the subject of the present application to the Court. In this letter Mr. Hornbrook imputed to Mr. Carpenter the charge of bribing the girl to swear the child to him by his present of the bible and the shoes. There was other impertinent matter in the letter; but the learned Attorney-General thought he had disclosed enough to warrant him in asking the Court for the present rule.

Lord Ellenborough.—As this is the case of a Magistrate, the Court cannot refuse it.

THE KING *v.* KING.

A Rule *Nisi* was granted in this case, on a motion of Mr. Common Serjeant, to shew cause why a new trial should not be granted. The defendant, who was present, stood committed.

Thursday, Feb. 7.

LIBEL.—THE KING *v.* ROCHE.

The Attorney-General prayed the judgment of the Court against Mr. Eugenius Roche, the Editor of *The Day* newspaper, who had suffered judgment to go against himself by default, for the same libel for which Messrs. Fisher and Harvey, the printer and publisher of the paper, had already received the judgment of the Court. Our readers will recollect that the libel was levelled against the soldiery, who were assembled to keep the peace upon the occasion of the riotous assembly in Piccadilly, at the time of the execution of the Speaker's warrant against Sir Francis Burdett. The libel accused the soldiers of unwarrantable cruelty in charging upon the mob then assembled; asserted that they seemed to take a delight in pursuing the people to extremities, &c.

The defendant put in several affidavits made by himself, and by Messrs. George Vincent Dowling, David Carwen, Edward Seymour, and Peter Courtier, gentlemen likewise on the liter. establishment of *The Day*; from which it appeared, that the proprietorship of that paper was divided into 300 shares; and that the paper was conducted by a committee of 13 of these proprietors, together with a chairman and a secretary. The defendant was only the nominal editor, for the committee controuled him, and they had decided upon taking the popular side of the question, as the sale of the paper had been injured by its having advocated the cause of the Covent-Garden Proprietors. The defendant gave it as his opinion, that to take the popular side would increase the sale; but said that he could not advocate Sir F. Burdett's cause with any warmth.—Mr. Dowling, the writer of the libel, had spoken to Mr. H. Phillips, of Bond-street (the Chairman of the Committee) as to the tone of the article upon the conduct of the military; when Mr. Phillips said, "Don't spare them."—The article was inserted without the defendant's being able to see it, and he read it in the morning with regret and horror. An indirect apology was however inserted by the defendant, in vindication of the soldiery, as well as two paragraphs contradicting the statement. He would have done more, had he been permitted by the committee; and in the *National Register*, of which he was the editor, he had fully proved the loyalty of his principles. In fact, having since possessed more power in the management of *The Day*, he had brought it round to the side of Government.—Other affidavits were also put in as to the bad state of the defendant's health, and to the loyalty of his principles; and after a short reply from the Attorney-General, Mr. Roche was remanded till Monday next.

THE KING *v.* FINNERTY.

The Attorney-General prayed the judgment of the Court against Mr. Peter Finnerty, for a libel on Lord Castlereagh.

Mr. Finnerty presented his affidavits, and hoped they would be read. He said he had shaped his course by the case of Colonel Draper, a precedent which their Lordships had established.

The reading of the first affidavit, which went to state the motives of his suffering judgment to go by default, &c. was stopped by Lord Ellenborough, who said, he had before told the defendant that this was an improper one.—Mr. Finnerty observed, that he must submit; but he had affidavits which would astonish the country.

The affidavit of David Power, Esq. a volunteer in the army at Walcheren, was here read, stating the imminent peril in which Mr. Finnerty stood from Lord Castlereagh's order.

The affidavit of Doctor Lipscombe was also read, stating, that he had attended Mr. Finnerty in November last, and that he was then in extreme danger of derangement and death, owing to anxiety of mind; and that he was not yet quite recovered.

Mr. Finnerty then offered the affidavit of Dr. O'Connor, a gentleman, he said, who had been *transported upon the mere warrant of Lord Castlereagh.*—This was objected to by the Court.—Upon which Mr. Finnerty said, "If you believe Lord Castlereagh guilty, of course it may be rejected. If you do not believe him guilty, I pledge myself here to produce, if I am allowed, above fifty affidavits, confirming on his part *horrors so unparalleled*, that not a man who hears me but will invoke the Throne of Justice for vengeance on his head. I offer this affidavit on the principle which Lord Mansfield"—Here the Court stopped him, and refused to hear it.

The affidavit of Mr. Clare was then tendered. It stated, that in the year 1798, various kinds of torture, such as whippings, picketings, half-hangings, &c. &c. were practised in Dublin, close to the Castle gate. He swore also that Lord Castlereagh must have heard the cries.

The Court.—Can it be endured that such affidavits as this are to be put in, when we have expressed our determination on the subject, and given our advice?

Mr. Garrow.—Certainly, my Lord, it ought not to be tolerated. You have given this man an entire week, and he has chosen to remain obstinate.

Mr. Finnerty.—I offer the affidavit to be read: it will substantiate every thing I have stated in the original libel.

The Court.—Sir, have you any inoffensive affidavit?

Mr. Finnerty.—My Lords, according to the doctrine which was laid down by this Court, *that truth was no justification*, I pleaded guilty on my trial. I did so, because I understood that on being brought up for judgment I might produce the truth in mitigation. This was no idle fancy of my own; it was built upon your precedents. Since the law was against me, I have deferred to it; but nothing on earth shall induce me to make any submission to Lord Castlereagh. No, my Lords; your language to Gale Jones on his trial was, that he had no proof of what he stated. That shall not apply to me. I here tender you the plain, unquestionable evidence of Lord Castlereagh's guilt. I have written not a syllable which I cannot prove. I now offer to do so; and in the face of this

Court and of the country, to exhibit him, beyond all doubt, the basest individual who ever prostituted the office reposed in him.

The COURT.—We cannot hear this. You may now utter fresh libels against Lord Castlereagh, which he can have no opportunity of rebutting.

Mr. FINNERTY.—Yes, my Lord, he will have an opportunity. I offer *my* affidavits. Let him, as Colonel Draper did, put in counter-affidavits, if he can, and thus rebut my evidence. If he cannot do this, he must stand arraigned and convicted before the country. I ask your Lordships to give him the opportunity; or, if you do not, I ask you, in the name of all that is sacred, how can you reconcile it to yourselves to send me to a prison for uttering *the truth?* Will you hear my affidavits?

The COURT.—No; not if they are the same with those which you have offered. They cannot plead in mitigation.

Mr. FINNERTY.—According to this, I am curious to hear what your Lordship means by mitigation. I again offer my affidavits.

The COURT.—I said before, not to the purport of those you have offered.

Mr. FINNERTY.—I shall, then, state the purport of a few; and then your Lordship can receive or reject them as they proceed. "I have here an affidavit of *a father and son tortured side by side.* Will you read that?

The COURT.—No.

Mr. FINNERTY.—Here is another from Mr. Hughes, whom Lord Castlereagh saw after the torture had been inflicted: his back was raw with the scourge, and his shirt one mass of blood flung loosely around him.

The COURT.—Why this is contumacy to the Court.

Mr. FINNERTY.—I wish to offer none. I stand here, *not* to repel your judgment, but to vindicate my character. Reputation is dearer to me than life; and in comparison with the loss of that, any punishment within power's limits to inflict has little terrors for me. I have offered now to prove the truth of all my statements. According to the law, I may be called a libeller; but if I had not offered my affidavits, I might be called a liar also. Since the Court does not choose to hear the truth of this averment, I proceed to another.

Mr. Dixon's affidavit stated that he was a Yeoman in 1798; that he saw three peasants whipped and tortured *without trial.*

The COURT.—What does this prove?

Mr. FINNERTY.—It goes on to state, that these cruelties were committed with Castlereagh's sanction and privity.

The COURT.—You have been often told these things were irrelevant. Do not compel us to send you back to prison till next Term, in order that you may come here to receive our judgment in a becoming manner.

Mr. FINNERTY observed, that he had been to Ireland on purpose to obtain these affidavits, which did not contain one-hundredth part of the atrocities he could prove against Lord Castlereagh. They had been sworn to by honest men, and he again pressed them on the Court, as Col. Draper had been allowed so to do. He demanded equal justice.

The Court, however, refusing to hear them,

Mr. FINNERTY proceeded to speak in his defence. After alluding to the hardship of having his sworn testimony refused, which had been received in a former case, he observed,—"What are the crimes of which I am accused? I am accused of being oppressed, and not submitting—of being slandered, and opposing him who traduced me—of acting on the first law which God and nature have implanted in the heart of man, that of self-preservation! Is this to be deemed a crime? Good God! are we come to such a crisis, that in this land of freedom the tyrant may torture us, and we are not to turn—the slanderer may assail us, and we are not to oppose—the persecutor may pursue us, and we are not to resist him! Are we, when oppressed, and spurned, and trampled on, to be denied the last refuge of misery—complaint? I ask this day no indulgence—I supplicate no mercy. Give me an impartial hearing, a patient attention, pure and unmixed justice. Justice, my Lords, is consistent and compatible with freedom: mild, tolerant, and unbiassed, she seeks but the clear and candid truth to produce a decision consonant to her character. Give me to-day that justice, and I shall have little apprehension. You see me here oppressed, but innocent—respectful, but undaunted—reverential to this Court, but not regardless of my character—and supported, under all my difficulties, by the conviction, that a British Hall of Justice is the last place where apprehension should enter. It may be asked me, why, if I am innocent, did I withdraw my plea? I will tell your Lordships: Very early in this prosecution I heard the Bench declare, that any evidence of the truth which I should offer could not extenuate my guilt. That, they said, was Law. Here then, I was, an innocent man, without the right to prove my innocence. What was I to do? Surely, not to oppose the authority of this Court, and trust to the simple statement of an unlettered individual like myself, to combat it with a jury. No, I had no such presumption. Innocent, then, as I was, I allowed judgment to go by default, in, it seems, the vain hope, that that truth which could not ward off a verdict might still mitigate a punishment. I supplicate no mercy—I confess no guilt. I know Lord Castlereagh too well, and respect myself too much, to supplicate his clemency. If I had traduced him, I should apologise; and even still in the prison to which I shall be sent, if it can be proved to me that I have uttered one syllable of falsehood, I shall make atonement; for I dislike no human being so much as to disregard the truth. But I have little idea of ever being undeceived. Here are before me the horrid testimonies of his atrocity—here are the speaking proofs which sullied him in Ireland—here are the records, which, if read this day, would present such cruelties as never before branded the barbarism of the most uncivilized nations."

The Court here interfered, and told the defendant he was proceeding irregularly.

Mr. FINNERTY proceeded. He said the law of libel was the will of the Judge. If the Bench once declared a thing to be a libel, under the present law, the Jury must find it so. No matter whether the person libelled be innocent or guilty; he who accuses him must be convicted. In the words of Sir Thomas Mallett, "libelling against a common strumpet is as great an offence as against an honest woman."—Mr. FINNERTY was proceeding to arraign the mode adopted by Lord Castlereagh for vindicating his character, when he was stopped by the Court and reprimanded.—He continued:—"Lord Castlereagh is anxious for his character, and so am I for mine. Is he to escape, and am I to be libelled with impunity?—I have never spoke against the truth, but I have opposed oppression;—there is my crime. I have advocated reform—the principle which gave Chatham immortality, and his son power; which has given Whitbread, Sheridan, and Burdett, the confidence of the nation—which makes that nation look up to the Prince for measures, in which I trust and hope he may not disappoint them. I have advocated innocence, and in so doing I have transgressed a law which no human being can ascertain. No man can charge me with a sinister view in so doing. I trust I shall hear no accusation of "base lucre" made against me, as it was against another individual in this Court: a strange accusation to come from *him*, forsooth, *who never opens his mouth without a fee.* I know a prejudice is excited against those who attack men in power; but do not they sometimes deserve it? Do you not remember how James, Coke, and that wicked Bacon, then Attorney-General, conspired against an innocent individual? Do you not remember the monster Jefferies? But, thank God, the record of his punishment has accompanied the record of his guilt; let it be a sacred admonition to all who are weak or wicked enough to prefer the transient favour of a Court to the pure and beauteous permenancy of virtue! Yet what was Jefferies to——But, my Lords, I check myself. Lord Kenyon says, a libeller has no right to complain when libelled; as sound doctrine as ever he promulgated. You will not deny it, my Lords: if so, then you will not punish me, for you cannot punish the censor of him who has wasted the treasure of the people, and the blood of

his species. When this man was sending out the greatest expedition which ever sailed from England, how was he employed? —Why, in watching me. Better would it have been if he had been sending Bark to the fine soldiery he sent to perish, whom I saw dying for want of it. But why did I go to Walcheren? Simply at the request of Sir Home Popham; whose letter I have in my hand, requesting me to give a narrative of the expedition. Castlereagh prevented me; and, besides my personal injuries, occasioned me a pecuniary loss of near 600*l.*—The Attorney-General chose to say I was unfit. "*Unfit!*"—this phrase is something in the style of Sterne's *innuendo*; any man may fill it up as he pleases. Why was I unfit? I defy the Attorney-General to answer me in any other way, than that he wanted to prejudice the public mind against me."

The COURT.—Why, you are hardly uttering a syllable which is not libellous. We shall certainly remand you.

Mr. FINNERTY said that Mr. Gilbert Wakefield was heard for three hours without interruption: but if they would not hear him, he must of course desist.—Being allowed to proceed, he made some remarks on the modes of punishing libels: —Mr. Heriot, of the *Sun* newspaper, who had libelled Lord St. Vincent, was only sentenced to six months imprisonment, and was then discharged without bail. Blagdon, too, had libelled the same splendid and honest character, but met only the same punishment.—Mr. Finnerty trusted, as he had made the Middlesex Magistrates his enemies, that the Court would not send him to Cold Bath Fields Prison: he would rather be treated as Bonaparte had disposed of Palm, than sent thither. The Court, he hoped, would always recollect the maxim of Blackstone, that next to the satisfaction of justice, a Judge ought to look to the satisfaction of the public. He declared that he had no intention to write a libel; but how was an uneducated individual to understand a science which had divided the most learned Judges? Even the Noble and Learned Judge on the Bench, and the Attorney-General, differed as to what was a libel in Mr. Perry's late case; and surely the law of libel was one to which the maxim *ignorantia legis non excusat* did not apply. If the record of a severe punishment upon the defendant were handed down to posterity, accompanied with the slightest biographical sketch of Lord Castlereagh, would not the reader exclaim, "What must have been the state of those laws under which an individual was punished for complaining of oppression?" The eye of England, interested in every thing which was done by that Court, especially with what related to the law of libel and the freedom of the press; and pre-eminently, the eye and heart of the defendant's native land (Ireland), he had the satisfaction to know, were turned with the greatest anxiety to the result of that day's judgment. Having been all his life in the habit of speaking the sentiments of a free man, he should only have incurred the contempt of the Court had he abandoned that language now; and he would rather meet the severest punishment which it was in the power of the Court to inflict, than labour under the degradation of being thought an hypocrite. The whole of the case was before the Court; they would recollect the nature of the provocation; they would read the libel, and would consider whether, if that were true, the defendant deserved punishment or not. He would say little about his sufferings on account of the present prosecution—his expences, his loss of time, the whole of his subsistence, depending, as it did, upon his daily exertions. He hoped he should support his punishment with firmness; and though he were to be confined in the dungeon of Dionysius, he would not exchange characters with Lord Castlereagh. He retained his conviction that every part of the supposed libel being proved, as he offered to do it, it was justifiable.

Mr. ATTORNEY-GENERAL contended, that the defendant had enhanced his guilt by his outrageous conduct this day. He had libelled every body, from their Lordships on the Bench down to the Middlesex Magistrates. And who was this individual? Why, a man who had been the Editor of an Irish paper, called the *Press*, and who had been convicted in Ireland of a libel in that paper. (Here Lord ELLENBOROUGH interposed, as Mr. Attorney was going into irrelevant matter.) Mr. Attorney proceeded:—After all that the defendant had said of Lord Castlereagh, the learned Counsel confessed that the Court had a right to confine him to the letter of the libel. He desired it might be remembered, that almost every word the defendant uttered was the foulest slander that ever fell from the mouth of man. Surely, when he planted himself in the late Expedition, even the circumstance of his having been a convicted libeller would of itself suggest the propriety of not suffering such a person to accompany that Expedition; and should an individual, because he chose to blow the trumpet of his own fame, dare to question the conduct of those who had the management of that expedition, when they thought fit to issue an order to prohibit his remaining in their company? And should it be permitted him, when called upon to answer a libel, to multiply that libel, and to avow himself the accuser of Lord Castlereagh? But the Attorney General called upon the Court to visit these added calumnies in the defendant's punishment. What redress had Lord Castlereagh for the gross injuries he had received that day, unless the Court estimated the degree of malignity which the defendant possessed against Lord Castlereagh, and punished him accordingly? The Attorney General trusted the punishment of the defendant would not be confined to imprisonment; but that, if there was any kind of punishment in their Lordships discretion *more degrading than imprisonment*, that too would be inflicted upon the defendant.

Mr. GARROW followed on the same side.

Mr. Justice GROSE observed, that the Court had so lately taken the circumstances of the present libel into their consideration, in the case of another defendant, that they had no hesitation in awarding their sentence immediately. That which was an offence in that person as the publisher of the libel, was much more an offence in the present defendant, who was its author. The Court in vain looked for any circumstances of mitigation in the present case. The defendant manifested a cool, deliberate intention to commit the offence; and the Court had seen in what had since passed nothing like a sense of his error. The Court did therefore order and adjudge, that the defendant be committed to his Majesty's gaol *for the city of Lincoln* for the space of 18 calendar months, and find security for his good behaviour for five years from that time, himself in 500*l.* and two sureties in 250*l.* each, and be further imprisoned till that security be procured.

Friday, Feb. 8.

SIR F. BURDETT v. THE SPEAKER

This morning, Mr. HOLROYD, on the part of Sir Francis Burdett, was heard in support of the demurrer. His speech, which lasted for four hours, contained a mass of recondite legal learning, of which a newspaper report can furnish but merely the general outline.

He first stated the pleadings. The Declaration of the plaintiff charged, that the defendant broke and entered the dwelling-house of the plaintiff. 2d. That, with soldiers and others, the outer-door being shut, he broke the window-shutters of the plaintiff's house, assaulted him, forced him into a hackney-coach, and forcibly conveyed him to the Tower, where he was kept and detained a long time a prisoner. There was a count also for imprisonment; and another for an assault simply. To this Declaration the defendant had pleaded several pleas. 1st, Not guilty—next, a justification, which stated, that a Parliament was holden at Westminster, of which the defendant was a Member, and Speaker of the House of Commons; that the plaintiff was also a Member; that a certain scandalous libel was published reflecting on the proceedings of the House, which the plaintiff acknowledged was printed by his authority, which the Commons voted a breach of their privileges, and therefore ordered the plaintiff to be committed to the Tower, and that the defendant, as such Speaker, issued his warrant accordingly for that purpose. There were also pleas to the assault and imprisonment only, and the plaintiff had demurred to each of these pleas, to which demurrers the defendant had joined in demurrer. The Learned Counsel said he was to argue in support of the plaintiff, and previous to any inquiry into the validity of the

demurrers, he should inquire first, whether the Court had any jurisdiction; inasmuch as it was necessary to see whether the Court had any power to give judgment, before they inquired what that judgment ought to be. And he wished, in the first instance, to direct the attention of the Court to the authority of Lord Coke, 4 Ins. p. 15. and p 50, because there it was said, that the Judges could not determine on the Privileges of Parliament; but as it seemed to him that the authority of Lord Coke was founded on a misunderstanding of Thorpe's case, there recited, he wished to advert to it in the first instance. It would be most extraordinary, indeed, if the Privileges of Parliament should be indefinite, if by indefinite was meant unlimited.—It had been said, that it was necessary for the safety of Parliament, that these privileges should be undefined; but that the prerogatives of the Crown were equally meant for the benefit and preservation of the Crown, and yet the prerogatives of the Crown were ascertained and well defined. The liberties of the people were also equally well ascertained and defined, and perhaps, from that circumstance, they were the better secured and guarded. The Privileges of Parliament were, by the law writers, called the *Lex et Consuetudo Parliamenti*. How it should be law, and yet remain undefined, was a contradiction in terms, and not intelligible. As law, all the subjects of the realm were bound to know and obey it; but how could they obey what was unknown and undefined? If it was law, therefore, must not the Courts of Law take cognizance of it, and say whether if had been transgressed against or not? In arguing this question, he was only anxious to do his duty, and he should address himself to it as a dry question of law: from no other view of it could he expect the attention of the Court. Much misrepresentation of the Rights and Privileges of Parliament had gone abroad, and the present discussion would at least have the good effect of quieting men's minds, and would tend to elucidate a question of the first importance. As it was also upon record, it would afford the means of bringing a writ of error, whereby the judgment of Parliament itself could be ultimately obtained. He would take the definition of the *Lex et Consuetudo Parliamenti*, from Lord Hale; in his History of the Common Law, he says it was part of the *Lex Terræ*, the Law of the Land. It was not a distinct law, like the Ecclesiastical Law, the Law of Chivalry, &c. but it was a part of the Law of the Land, of which their Lordships, as the Judges of the land, were bound to take cognizance. Lord Holt had said so in Paty's case, 8 St. Trl. 682,—It was so said in Knowles's case, Salk. 520—28 Ed. cap. 3, And indeed if it were not part of the law of the land, no man could be imprisoned by it without an express violation of Magna Charta, which says, that no man shall be imprisoned except by the law of the land. If indeed it were not part of the law of the land, but did supersede it to a certain extent, yet their Lordships as Judges of the Law must judge of its limits, and ascertain how far the law was superseded by it, and what were its bounds and limits.—Hale, in his History of the Common Law, says, that it cannot be altered but by Act of Parliament, that is, by the joint resolutions of the three Estates of the Realm, but if privilege, and undefined privilege, is to intrench upon the Common Law, it is altered, and liable to alteration, without any Act of Parliament. But no resolutions of either House of Parliament can create any new privilege; it was so resolved in Fitz-Harris's case, St. T. 681., and it appears that Courts of Law have always disregarded such votes. This would appear from some of the very early cases. In Fitz-Harris's case, the House of Commons resolved, that it would be a breach of privilege for any inferior court to proceed against that individual; and yet, notwithstanding that resolution, Fitz-Harris was indicted, and convicted in the Court of King's Bench. Sir Edward Coke himself, also, when Speaker of the House of Commons, had pronounced the same opinions: in a question of sending a writ of privilege, he said to the House, "if we send such a writ not warranted by the law, the Lord Keeper must refuse it." Here clearly was an admission, that a Judge of the land was to take cognizance of what the Commons might think their privileges. In another instance (D'Ewis, p. 82), and cited 1st. Hatsell, 96, he declared they would allow no precedent, unless the Judges found them ratified by precedent in the Court of Chancery. The mistake that Judges could not interfere in the privileges of Parliament, Lord Coke drew from the case of Thorpe, and as he should humbly submit, from a mistaken view of that case, since by cases anterior to that in point of date, it was clear that they had interfered. The earliest case he found, was that of the Prior of Malton, whose horses were destrained at Lincoln, as he was returning from Parliament to York. For this there was an action brought, but there did not appear to have been any judgment on it. This was said to be a breach of the Privileges of Parliament, which granted immunity to all its members. But it was singular that the privilege was not claimed here as the privilege of either House separately, but as the privilege of *Parliament*. It had been said that the Lords ought not to take cognizance of the privileges of the House of Commons even by error, because thereby the privileges of the Commons might be reduced; but if it be taken as the privileges of Parliament generally, they cannot produce the privileges of the Commons without, at the same time, reducing their own. The Learned Gentleman cited instances where the Judges had taken cognizance of questions touching the Privileges of Parliament. In Lath's case, who was servant to Sir W. Mildred, a Member, he was taken on a judgment in the Common Please, given the day before the meeting of Parliament. Complaint was by petition, the usual mode at that time, and the man was liberated by an act of all the Parliament, seeing the rights of the plaintiff.—There was a material distinction, he observed, between the Acts of the Commons' House of Parliament alone, and of the Parliament composed of the three branches of the Legislature. He observed, he was fortified in this mode of viewing the subject by Sir Orlando Bridgeman, in an elaborate judgment which he had pronounced in a case of —— *v.* Evelyn; he cited this from a book by Mr. Hargrave, not yet published, but which that very Learned Lawyer was preparing for publication. With respect to Thorp's case, on which Lord Coke rested his authority, when he said the Judges could not determine on the privileges of Parliament, the case was found in 1 Hatsell, 29. It was a judgment in the Exchequer during the prorogation of Parliament, in an action by the Duke of York against the Speaker. At the meeting of Parliament, the Commons petitioned the King in Parliament, that their Speaker might have his liberty. The Lords referred to the Judges as to what was the law of Parliament; when they replied, that they ought not to answer that question, for they were the sole Judges of their own privileges; that their authority was such, that what was law they might make for none, and make that law which before was not so.—He apprehended the Judges here were in a different situation than they would have been if they had been sitting in a Court propounding the law. They were then in Parliament, in the Legislative Council, in which they had no vote; but if sitting in a Council, as the advisers of the King, as they would have been if the House of Lords alone had been called upon, then they might have given their opinion upon the law. But they stated what would have been the practice of the Courts below, in which no general supersedeas would have been allowed, but that they would have required a particular supersedeas for each action. The prayer for the Chancellor to award Thorp's discharge being acceded to, the assent became an Act of Parliament. And this, he contended, formed the great distinction in that case, which was, that the Judges declined giving any opinion upon the power of *Parliament* collectively, and not upon the privileges of either of the Houses individually. The Learned Gentleman having argued with great ingenuity in support of the right of the Court to have cognizance of the privileges of the House, next adverted to the privilege itself, as claimed in the present instance; and having gone at great length to shew that it was not supported by precedent, he next adverted to the warrant itself; which, he argued, was illegal and defective on the face of it. He contended, that the offence was not set out with sufficient certainty to warrant any detainer under it. He argued, that, by the Habeas Corpus Act, sufficient cause of detention must appear on the face of every warrant of commitment;

and if upon the face of the warrant there was not a good cause of detainer expressed a *fartiori*, if the warrant was so defective as to state a cause not sufficient, the action would lie, and the plaintiff must recover for the false imprisonment.—The ground, as stated in the warrant, was for breach of privilege generally; but he contended that such a charge was much too indefinite. The specific breach of privilege should be set forth, in order that the Court might judge of the sufficiency of the cause of detention—And he also wished to impress this distinction on the Court: the action was brought not for any thing done in Parliament, but for something done by the Speaker out of Parliament. It was true, in consequence of a vote of the House of Commons directing him to issue his warrant; but however regular the authority to issue the warrant might be, yet the Speaker, like every other Magistrate who had power to issue his warrant, was bound to issue a *legal* warrant. If a Justice of the Peace were to issue an illegal warrant, he would be responsible for all done under it; and the same, he apprehended, was the case of the Speaker. When he was ordered by the House to issue his warrant, it was his duty that that warrant should be in a legal form. He also contended, that the justification by no means was made out; it stated that the plaintiff "admitted he had printed a libel *reflecting on* the proceedings of the House." With respect to the first point of the libel, it was not stated to be a libel upon the House; and a libel *qua libel* was no breach of privilege. It might, indeed, be a breach of privilege, if it were calumniating the proceedings of the House, but being stated to be merely a libel, the Court could not contend it was against the House; and if not against the House, it did not amount to a breach of privilege. He admitted the plea stated, that it *reflected* on the House, but reflecting on the House did not *ex in termine* imply scandalous reflections. Many books had for title, *Reflections* on such a subject; it was not, therefore, expected that the subject was to be calumniously treated: so here the Reflections on the conduct of the House might be reflections in their favour. The Court would not imply the calumny, when the words themselves might have a different import. The Court, in a case when liberty was at stake, would give words their legal import, and not explain them with the latitude of common parlance. Another objection to the plea was, it did not state the libel to have been published. It stated that it was printed; but printing did not amount to publication. A person might have a libel printed, and yet never publish it; and as there was no publication of the libel stated, the Court would not assume that it was published; and if not published, there was no offence committed. On these grounds he contended, that the warrant was void, as being illegal on the face of it. He lastly adverted to the mode of its execution; which he argued was illegal, even though the warrant itself had been legal. One part of the trespass was, for breaking and entering the house, the door being fastened. This, he argued, was illegal. By the law of England, every man's house was his castle, and could not be forcibly invaded, except for treason, felony, and breach of the peace. No civil process could warrant the breaking open an outer door. It was only when the King was a party that the house could be invaded. In civil actions the Sheriff could not enter any liberty; but as all liberties are orginally granted by the King, they are not good against the King. It was the King, and those processes to which the King was a party, that could justify the breaking of the house. The House of Commons had not that right. There was no breach of the peace. A libel upon the House in its most aggravated character was but a breach of Privilege, and a breach of Privilege was no breach of the peace, nor was a libel a breach of the peace; a series of law authorities had declared that it only *tended* to a breach of the peace. So that looking either to the offence, or the party issuing the warrant, neither of them warranted the mode of execution, by breaking open the door. The Learned Gentleman concluded his able speech by apologizing for the multitude of his citations, but he observed that the case was equally novel and important;—much misunderstanding existed in the public mind; and whatever judgment their Lordships should pronounce, yet the discussion would and must be attended with great public benefit, inasmuch as it would draw into review all the former decisions; and a degree of certainty would hereafter be established on which at present the minds of men were much afloat.

After Mr. HOLROYD sat down, the ATTORNEY-GENERAL got up to reply; but as it was then past three, Lord ELLENBOROUGH recommended that the further discussion of the demurrer might be adjourned.

ACCIDENTS, OFFENCES, &c.

A few nights ago, the Church belonging to the United Parishes of St. Augustine and St. Faith's, under St. Paul's, was broke into by robbers, when they succeeded in carrying off some valuable Bibles and Prayer Books. It is supposed to have been their intention to have taken the plate used for the sacrament, which is extremely valuable; but in this they were disappointed, as it was kept locked up in a secret place, and which but few persons belonging to the church are acquainted with. It is supposed to have been committed by the same villains who robbed St Paul's a short time since.

On Friday evening, about seven o'clock, a destructive fire happened at the Printing-office of Mr. Barnard, in Skinner-street. It was occasioned by an accident in the press-room, where a great number of sheets were hanging. Some of the paper having taken fire, the men at work immediately endeavoured to extinguish the flames, but their exertions were unavailing; the blaze spread with astonishing rapidity, and it was with the greatest difficulty they escaped from the room. In a short space of time the upper part of the house was enveloped in flames; a conflagration more luminous has seldom occurred in the metropolis. The engines soon arrived, but the house being in a confined situation, up a long narrow passage, it was some time before water could be thrown to produce any effect. The whole extent of the printing-office continued burning until all was destroyed.—The damage has been considerable. Besides a great quantity of paper and printing materials, Mr. Barnard had a valuable work, of a religious description, which had been three years printing. The adjoining houses of Mr. Chappell, pork-butcher, and the gunsmith's, have suffered some injury, but the greatest damage is done backwards, towards Snowhill.

Jacob Badgley a stone mason of New York, lately committed three horrid murders; being under the influence of intoxication and insanity, he went into a house in Hester-street, and struck Mrs. Elenor Jackson on the head with a hammer; he then made a stroke at Catherine Mitchell, but Mrs. Jackson falling dead between the witness and Badgley, he missed his aim, and then turned upon Elizabeth Jackson, mother-in-law to Elenor, and brought her to the floor with one single blow on the head. It seems that he then took a razor, cut his throat with it, and laid it on the mantle piece. Physicians were immediately called, and attempted to save the two last, but on examining the cut of Badgley, the blood started afresh, and he soon expired. Elizabeth Jackson is still living, several pieces of the skull having been extracted, and scarcely a hope of her recovery remains. The floor of the little room in which this dreadful work was executed ran with blood, and the coroner's inquest could not enter it without drenching their shoes in it. The spectacle was shocking almost beyond description. —*American Paper.*

MARRIAGES.

On Friday week, at Whymondham, Norfolk, by the Rev. W. Fawssett, Mr. Wm. Wuskett, of Hopton, Suffolk, to Miss Rebecca Howes, of the former place.

DEATHS.

On Wednesday last, after a short illness, at the advanced age of 77, Mrs. Child, of South-street, Finsbury-square.

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